

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America

v.

Joseph W. Moran, Jr.

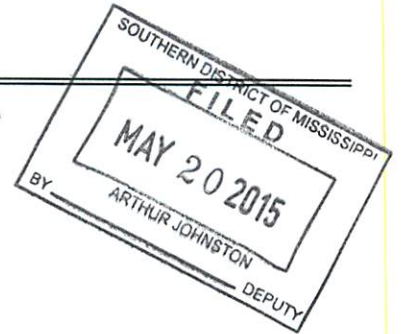
and

James D. Byrd

Defendant(s)

Case No.

1:15mj544-RHW



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 19, 2015 in the county of Harrison in the
Southern District of MS, Southern Division, the defendant(s) violated:

*Code Section**Offense Description*

21 U.S.C. § 841(a)(1)

Possession with Intent to Distribute a Controlled Substance, to wit, more than 50 grams of methamphetamine.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

A handwritten signature in blue ink, appearing to read "R. W. Drace".

Complainant's signature

Robert W. Drace, DEA Task Force Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/20/2015

A handwritten signature in blue ink, appearing to read "Robert H. Walker".

*Judge's signature*City and state: Gulfport, MS

Robert H. Walker, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Robert W. Drace, being a first duly sworn, state as follows:

Introduction

I am Task Force Agent (TFA) Robert W. Drace with the United States Department of Justice, Drug Enforcement Administration (DEA). I have been a Deputy of the Harrison County Sheriff's Office for over thirteen years with the last four years being assigned to the narcotics division. I am presently serving as a Task Force Agent to the DEA and have been in this capacity since September 2013. In my tenure as a law enforcement officer, I have participated in numerous investigations of illegal narcotics trafficking to include violations of Title 21 of the United States Code. Many of the investigations involved the sale, transportation, and distribution of narcotics often leading to arrest and subsequent due process proceedings.

Probable Cause Factual Basis

Your affiant states that on Tuesday, May 19, 2015, at approximately 1:50 p.m., Harrison County Sheriff's Office Deputy Justin Ladner conducted a stop on a vehicle driven by James D. Byrd for a traffic violation and littering. Deputy Ladner subsequently approached the driver's side of the vehicle and made contact with Byrd and the front seat passenger, Joseph W. Moran, Jr. While conversing with Byrd, Deputy Ladner observed both Byrd and Moran, Jr. exhibiting extremely nervous behavior. In addition, through previous law enforcement encounters and previously disseminated intelligence related to him through the Harrison County Sheriff's Office Narcotics Division, Deputy Ladner identified Moran, Jr. as being known to possess controlled substances and was a convicted felon for a narcotics related offense.

Based on the nervous behavior of both occupants and previous intelligence, Deputy Ladner asked Moran, Jr., the registered owner of the vehicle, if he would consent to a search of his vehicle to which Moran, Jr. refused. Deputy Ladner then summoned a police canine to his location as he completed citations and records inquiries. Once the department issued, narcotics trained canine arrived on scene, an exterior canine sniff of the vehicle was conducted which resulted in a positive alert for the presence of narcotics. A probable cause search of the vehicle ensued yielding a black bag that contained six bags of a crystal like substance consistent in appearance with methamphetamine from within the center console. The suspected methamphetamine had an approximate weight of 485 grams. A further search of a flashlight within the same bag yielded a glass smoke stained pipe indicative of drug use and an additional small bag of crystal like substance suspected to be methamphetamine. A black utility torch was also found within the same bag. A preliminary field test of the substance resulted in a positive reaction for the presence of methamphetamine.

Based on the findings, Deputy Ladner assisted by other Harrison County Sheriff's Office Deputies arrested Byrd and Moran, Jr. and advised them of their rights per Miranda. Byrd and Moran, Jr. were subsequently transported to the Harrison County Sheriff's Office Narcotics Division for further investigation. Drug Enforcement Administration (DEA) Task Force Agent

Robert Drace and Special Agent Don Penny were then contacted and responded to further the investigation.

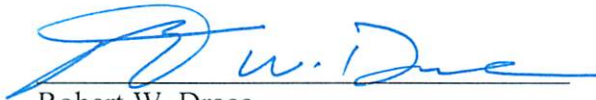
While at the Harrison County Sheriff's Office Narcotics Division, Moran, Jr. was formally advised of his rights per Miranda which he acknowledged and subsequently waived by signing a DEA Advise of Rights Form. In a subsequent interview conducted by SA Penny and TFA Drace, Moran, Jr. admitted to traveling to Texas earlier that day and acquiring the methamphetamine. Moran, Jr. advised that he was being paid by an individual to transport the drugs and in return would earn \$400.00 for a successful delivery. Moran further related that he had previously completed a similar trip and purchased three ounces of methamphetamine.

SA Penny and TFA Drace advised Byrd of his rights per Miranda which he waived and agreed to be questioned. In a subsequent interview, Byrd's account of the events coincided with that of Moran, Jr.'s. Byrd further stated that in exchange for his participation, he would be provided with a few grams of methamphetamine.

A preliminary field test of the substance conducted by TFA Drace resulted in a positive reaction for the presence of methamphetamine.

Conclusion

Based on my experience as a DEA Task Force Agent and the facts listed above involving Joseph W. Moran, Jr. and James D. Byrd, it is my opinion that there is sufficient probable cause to believe that violations of Title 21, United States Code, Section 841(a)(1), have been committed in the Southern District of Mississippi by Joseph W. Moran Jr. and James D. Byrd who possessed with the intent to distribute Methamphetamine.



Robert W. Drace
Task Force Agent
Drug Enforcement Administration

Sworn and subscribed to me this 20th day of may, 2015.



United States Magistrate Judge